REMARKS

Claims 1 - 10 and 12 are pending, with claims 11, 13 and 14 having been previously canceled, and with claim 1 having been amended above.

Claims 1 - 3, 5 and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,085,045 to Hanzawa et al. Reconsideration of this rejection is respectfully requested in view of the attached verified translation of Applicant's priority document (JP-2002-271963, filed September 18, 2002). As Applicant should now be accorded the full benefit of his claim to priority, the Hanzawa et al. patent is not properly "prior art" to the present application, since the U.S. filing date of Hanzawa et al. (September 4, 2003) is subsequent to the foreign priority date (September 18, 2002) of the present application. Therefore, the rejection is no longer proper and should be withdrawn.

Claims 1 - 3, 5 and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,668,661 to Tomioka in view of U.S. Patent No. 6,473,229 to Nakamura. Reconsideration of this rejection is respectfully requested in view of claim 1 having been amended (at lines 18 - 19) above to include the feature discussed in the reasons for allowance regarding claim 4. Although a pupil splitter is disclosed in Hanzawa et al., as noted above, Hanzawa et al. is not prior art to the present application, once the present application is accorded the benefit of foreign priority under 35 U.S.C. 119. Thus, claim 1, as well as dependent claims 2 - 3, 5 and 6 that (directly or indirectly) depend from claim 1, should now be allowable over the prior art of record.

Claims 7 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,668,661 to Tomioka in view of U.S. Patent No. 6,473,229 to Nakamura as applied to claims 1 - 2 and further in view of U.S. Patent No. 4,798,451 to Fujiwara. Reconsideration of this rejection is respectfully requested in view of the above-discussed amendment to claim 1. Claims 7 and 8 each depend indirectly from claim 1, and thus include the limitations of claim 1. Thus, as amended above, claim 1 is **not** made unpatentable by Tomioka and Nakamura for the reasons discussed in the preceding paragraph. Since Fujiwara does not make up for the

deficiencies of Tomioka and Nakamura in making claim 1 (as amended above) unpatentable, claims 7 and 8 should be allowable over the prior art of record at least for the reasons, discussed above, that amended claim 1 distinguishes over the prior art of record.

Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,668,661 to Tomioka in view of U.S. Patent No. 6,473,229 to Nakamura as applied to claims 1 - 3, and further in view of U.S. Patent No. 6,333,813 to Morita et al. and U.S. Patent No. 4,412,727 to Taira. Reconsideration of this rejection is respectfully requested in view of the above-discussed amendment to claim 1. As claim 1 should now be allowable over the prior art of record as discussed above, claim 9 that indirectly depends from claim 1 should also be allowable over the prior art of record since Morita et al. and Taira in no way make up for the deficiency of Tomioka and Nakamura in suggesting the subject matter as claimed in lines 18 - 19 of claim 1 as now amended.

Having provided a verified translation of JP 2002-271963 so as to antedate Hanzawa et al. and having amended base claim 1 to include limitations not taught in the prior art of record, it is respectfully requested that the rejections of claims 1 - 3 and 5 - 9 be withdrawn. Moreover, an early Notice of Allowability is earnestly solicited.

Respectfully submitted,

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Attachment: Verified Translation of JP 2002-271963